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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/628,544

07/28/2003

Brant Lardie

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4743 7590 04/16/2007  
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EXAMINER

WEBER, CHRISTOPHER STEVEN

ART UNIT

PAPER NUMBER

3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/16/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

ED

<b>Office Action Summary</b>	<b>Application No.</b> 10/628,544	<b>Applicant(s)</b> LARDIE, BRANT	
	<b>Examiner</b> Christopher S. Weber	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/16/2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Amendment*

This office action is in response to applicant's amendment filed on September 25, 2006. Applicant amends claims 26, 31, and 37 and responds to claim rejections.

Claims 1-39 remain pending.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon et al. US Publication 2002/0183105 (hereinafter "Cannon") in view of Marshall et al. US Patent 6,773,347 (hereinafter "Marshall").

4. Regarding at least claims 1, 10, 15, 21, 22, 26, 29, 31, 35 and 37, Cannon discloses a display unit capable of displaying images, a first value input device at a first geographic location, Fig 2; a controller for wagering comprising a processor operatively

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coupled to a memory, Fig 3 and [0046] [0047]; the controller operates to display a game such as slots in said case it would display reels or poker and at least five cards, etc.

[0058] the controller would also determine payout [0070]; Cannon also teaching displaying second and further games as well as sports games this would include the score or other result [0067]. Cannon does not explicitly disclose viewing information regarding a second game, input at a second device in a second geographic location. Marshall teaches entering wager (decision) information for a multi-player sports games (racing) at one location and then viewing the information at a second and different location. Marshall teaches that the second location can be can be virtually any form of computing equipment as well as on a network, including the internet, 12:41-53. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the interactive wagering system taught by Marshall with the multiple game system taught by Cannon. Cannon teaches that it is advantageous for a player to be able to maintain multiple sources of wagering. By using the multi-display system already taught as a means to check the sports bet from Marshall, this teaching would be met.

5. Regarding at least claims 2, 11, 23 and 27, Cannon teaches making a wager on the first game. (Abs)

6. Regarding at least claims 3, 12, 24, 28, 32 and 39, Cannon teaches payout for primary and secondary game, in this case the a sports book in the special event window would be managed by a multi user server. [0067 – 0070] Additionally Marshall and the

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combination as taught above teach a server holding information about multiple users, their wagers and payouts. Marshal 6:15-35.

7. Regarding at least claims 4, 13, 25 and 36, Cannon teaches displaying information from both primary and secondary game concurrently on the same screen Fig 2.

8. Regarding at least claims 5 and 14, Cannon teaches a single player machine.

9. Regarding at least claims 6, 16, 30, 33, and 38, both Cannon, Marshall, and the combination as taught above teach the use of player tracking information and the portability of said information. Each device would be capable of receiving said information regarding second game. Cannon [0085] and Marshall 6:15-35.

10. Regarding at least claims 7, 17 and 34, Cannon teaches at least one display other than the main game that displays information about a second game any action displayed would have been a decision the player made in regards to that wager. [0022]

11. Regarding at least claims 8, 9, 18, 19 and 20, both Cannon, Marshall and the combination as taught above utilize interconnected networks, including the Internet.

Cannon Fig 4F, Marshall Fig 1. Cannon does not explicitly disclose one player wagering on two independent by operatively coupled networks. Marshall explicitly teaches making at wager on an input device (second) and then tracking it on a different (first) device. In the combination as taught above this would be the slot or other gaming machine that the player is currently playing. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the networks taught in

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Cannon and Marshall in this way in order to facilitate the secondary remote sport wagering system taught in Cannon. Cannon [0088] and Marshall 6:15-35 and 12:26-55.

12. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

***Response to Arguments***

13. Applicant's arguments with respect to claims 1-39 have been considered but are moot in view of the new ground(s) of rejection.

***Citation of pertinent prior art***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

15. Itkis et al. US Publication 2002/0094860 – Automated Bingo System

16. Kapur US Patent 5,119,295 – Centralized Lottery System

17. Lavoie et al. US Patent 7,128,652 – Off-Site gaming

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. Weber whose telephone number is 571-272-3064. The examiner can normally be reached on Monday - Friday 7am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CSW

*Ronald Anean*  
Primary Examiner  
4/12/07